



CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2004 AGENDA

☒ General Waiver

SUBJECT

Riverside Unified School District (RUSD) Academic Performance Index (API) Waiver. Specifically, the RUSD requests waiver of a portion of Title 5, CCR Section 1032(d)(1) & (6) to allow **Sierra Middle School** to be given a valid API for the 2003-04 year despite "adult testing irregularities" [CAT/6] (mathematics for 78 students) 8.4 percent.

Waiver Number: 10-7-2004

☒ **Action**

☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

Denial is recommended per *Education Code* Section 33051(a)(1); the educational needs of the pupils are not adequately addressed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Title 5 regulation that the RUSD is asking to waive was specifically adopted by the State Board of Education (SBE) to protect the educational needs of the pupils. This regulation allows a school with adult testing irregularities that have affected less than 5 percent of the pupils tested to receive a valid API for the current year, but not be eligible for participation in any of the API award programs for that year. In 2001, the SBE approved Title 5, CCR Section 1032(d)(1) and (6):

"In 2001 and subsequent years, a school's API shall be considered invalid under any of the following circumstances:

(1) The local educational agency notifies the California Department of Education (department) that there were adult testing irregularities at the school affecting 5 percent or more of the pupils tested.

(6) If, at any time, information is made available to or obtained by the department that would lead a reasonable person to conclude that one or more of the preceding circumstances occurred."

SUMMARY OF KEY ISSUES

When preparing to take the CST Language Arts test, students noticed and reported that someone other than themselves had made erasures to the CST and/or CAT6 math sections of their answer sheets. The principal and assistant principal interviewed students, examined the erasure patterns on all answer documents, and determined that one teacher had changed responses on the CST and/or CAT6 math sections only of 78 answer documents (8.4 percent of the 929 students tested). The teacher admitted making the changes to the student answer documents.

So that CST and/or CAT math scores would not be produced for the documents in question, the 78 documents were coded to reflect that testing irregularities had occurred. Although the testing irregularity affected more than 5 percent of the students tested, the district believes the exclusion of the scores for the 78 students will not have a significant statistical effect on the API of the school. In addition, the district believes the hard work of both the school's students and teachers should not be invalidated due to the unprofessional conduct of a single staff member.

Further, the district states that if the waiver is not granted, Sierra Middle School will not have a valid 2003-04 growth API or 2004 base API, and could be placed in a federal Title I improvement program for 2004-05. Because the school did not make adequate yearly progress (AYP) in 2001-02 and 2002-03, it was targeted for Title I assistance in 2003-04, but was not placed in the program since it had not failed the same content area criteria two years in a row. However, the school's socioeconomically disadvantaged subgroup may not meet the AYP participation rate for math for two consecutive school years due to the adult testing irregularity according to the district.

The Public Schools Accountability Act (PSAA) was based on the educational needs of students, particularly those of improving student achievement. Key to the success of the API is the notion that it is a valid means of measurement. In order to ensure that API scores are valid, proper administration of the tests, which currently provide the data that are used to generate the API score, is crucial. Improper administration of the tests causes the scores to be invalid, which can impugn the integrity of the entire system.

In this instance the violation was intentional and involved more than 5 percent of the students. Moreover, granting the waiver will have no effect on Sierra Middle School's AYP status. If this waiver were approved, the school would still be at risk of entering Program Improvement since the AYP participation rates are calculated independently from the API. In order to avoid entering Program Improvement the district has been advised by CDE that if the school's socioeconomically disadvantaged subgroup does not make its participation rate target for two years in a row, as anticipated, the proper course of action for the school would be to file an appeal of the 2004 AYP results with the CDE later this year.

Therefore, in accordance with the required test administration procedures, the integrity of California's Accountability system and SBE-adopted regulations, the Department recommends denial of the waiver. Denial is recommended per *Education Code* Section 33051(a)(1); the educational needs of the pupils are not adequately addressed.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: 2003-04 testing year

Local board approval date(s): July 12, 2004

Public hearing held on date(s): July 12, 2004

Bargaining unit(s) consulted on date(s): June 24, 2004

Name of bargaining unit/representative(s) consulted: Riverside City Teachers Association, Dennis Hodges

Position of bargaining unit(s) (choose only one):

☐ Neutral ☒ Support ☐ Oppose

Comments (if appropriate):

Public hearing advertised by (choose one or more):

☐ posting in a newspaper ☒ posting at each school ☒ other (District office, city hall, library)

Advisory committee(s) consulted: Sierra Middle School's School Site Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: June 29, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

No state fiscal impact is expected as a result of approving this waiver.

BACKGROUND INFORMATION

Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.